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**Religion - Religious Liberties
Protection Act**

Edward W. Correia

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To: See the distribution list at the bottom of this message

cc: Charles F. Ruff/WHO/EOP

Subject: The Religious Liberties Protection Act (RLPA)

You are invited to a meeting in 472 OEOb, Thursday, 9/10, at 3:00, to talk about RLPA. As you may know, the House Constitution Subcommittee recently reported RLPA favorably, but the committee split along party lines. All the Republicans voted for it; all the Democrats voted no (or in the case of Nadler, a co-sponsor, voted present). We understand the Senate Judiciary Committee may mark it up soon as well. Hatch and Kennedy are co-sponsors, but the same concerns that troubled House Democrats will probably arise in the Senate, too.

As you will recall, RLPA responds to the Supreme Court's decision striking down RFRA, the Religious Freedom Restoration Act. RFRA was intended to restore a constitutional standard that the Court had followed for many years, which gave substantial protection to religious liberties. However, the Court struck down most of the provisions of the statute on the grounds that Congress does not have the power to define the reach of the Fourteenth Amendment. RLPA is intended to provide another basis for Congress to act to achieve the same goals.

The President strongly supported RFRA and, therefore, we have supported the goals of RLPA, too. We have worked with the coalition of religious organizations supporting the bill. They are still supportive, though some have concerns about the form in which the bill was reported in the House. However, some civil rights groups, particularly those in the gay community, have recently raised concerns about the effects of RLPA on civil rights laws, such as local ordinances banning discrimination in housing. In addition, the Constitution Subcommittee deleted the Commerce Clause as a basis for Congressional power to enact the bill, leaving only the Spending Clause as a basis. This, too, raises some concerns about the ultimate effect and constitutionality of the bill. All these developments suggest that we talk about the administration's position and approach to the bill.

If this suggested time creates a problem, would you please let me know, or ask your scheduler to work Alissa Brown, 62615.

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